



IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON/GREENWOOD DIVISION

STEPHANY MAE GOODSHIELD, §
Plaintiff, §
§
vs. § CIVIL ACTION NO. 8:14-1809-MGL-JDA
§
CAROLYN W. COLVIN, §
Acting Commissioner of Social Security, §
Defendant. §

ORDER ADOPTING THE REPORT AND RECOMMENDATION
AND AFFIRMING DEFENDANT'S FINAL DECISION

This is a Social Security appeal in which Plaintiff seeks judicial review of the final decision of Defendant denying her claim for Supplemental Security Income (SSI). The matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge suggesting to the Court that Plaintiff's motion to include with her brief an attached statement from Dr. Ronald Rosenberg, dated February 26, 2013, be denied, and Defendant's final decision denying Plaintiff's claim for SSI be affirmed.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo determination of those portions of the Report to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on July 28, 2015, but Plaintiff failed to file any objections. “[I]n the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note). Moreover, a failure to object waives appellate review. *Wright v. Collins*, 766 F.2d 841, 845-46 (4th Cir. 1985).

Plaintiff filed her application for SSI on August 29, 2007, alleging that her disability commenced on March 1, 2006. Plaintiff’s claim was denied initially and upon reconsideration. Plaintiff requested a hearing, which the ALJ conducted, after which he issued a decision on July 28, 2010, holding that Plaintiff was not disabled. The Appeals Council denied Plaintiff’s request for review of the ALJ’s decision.

On August 2, 2012, the district court granted Defendant’s motion to remand the case for further consideration. The Appeals Council then vacated the ALJ’s decision and remanded the case to the ALJ. The same ALJ conducted a second hearing on Plaintiff’s claim and, on May 13, 2013, issued a decision finding Plaintiff was not disabled from January 9, 2008, the amended alleged onset date of disability, through the date of the decision. The Appeals Council declined review. Consequently, the ALJ’s May 13, 2013, decision became the final decision of Defendant. Plaintiff filed this appeal with the Court on May 5, 2014.

After a thorough review of the Report and the record in this case pursuant to the standard set forth above, the Court adopts the Report and incorporates it herein. Therefore, it is the judgment of the Court that Plaintiff’s motion to include with her brief an attached statement from Dr. Ronald Rosenberg, dated February 26, 2013, is **DENIED**, and Defendant’s final decision denying Plaintiff’s claim for SSI is **AFFIRMED**.

IT IS SO ORDERED.

Signed this 19th day of August, 2015, in Columbia, South Carolina.

s/ Mary G. Lewis

MARY G. LEWIS

UNITED STATES DISTRICT JUDGE